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 Brand Group, Inc. and IP Holdings LLC

**USDC SDNY**  
**DOCUMENT**  
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*Enclavement*

*After briefing  
 and oral argument  
 the motion is denied  
 & ordered  
 D. Sand  
 USA  
 2/11/08*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X  
 EXPORTACIONES DEL FUTURO S.A. DE C.V., :

Plaintiff, :

- against - :

ICONIX BRAND GROUP INC. and  
 IP HOLDINGS, LLC, :

Defendants. :  
 -----X

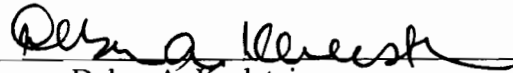
Docket No. 07 Civ 4145

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the annexed Declaration of Debra A. Karlstein, Esq., with exhibits, dated December 3, 2007, and the accompanying Memorandum of Law dated December 3, 2007, Defendants ICONIX BRAND GROUP, INC. and IP HOLDINGS LLC (collectively, "Defendants"), by their undersigned attorneys, will move this Court, before the Honorable Leonard B. Sand, United States District Judge, at the United States Courthouse, Courtroom 15-A, 500 Pearl Street, New York, New York 10007, on December 20, 2007 at 2:15 PM, or as soon thereafter as counsel may be heard for an order: (a) dismissing the Second, Third and Fourth claims for relief in plaintiff's November 19, 2007 Amended Complaint pursuant to Rule 12(b)(6) for failure to state a claim upon which relief may be granted; (b) striking or dismissing the Third and Fourth claims for relief pursuant to Rule 12(f) and/or Rule 15(a) for exceeding the scope of leave to amend previously granted by this Court; and (c) granting such other and further relief as the Court deems appropriate.

Dated: New York, New York  
December 3, 2007

SPEARS & IMES LLP



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